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From: Sachi A. Hamai  
Chief Executive Officer

### **WASHINGTON, D.C. UPDATE ON THE WATER RESOURCES DEVELOPMENT ACT OF 2016 (S. 2848/H.R. 5303)**

#### **Executive Summary**

This memorandum is to provide the Board with an update on the Water Resources Development Act (WRDA) of 2016. On September 15, 2016, the Senate passed, on a 95 to 3 vote, its version of WRDA (S. 2848), which authorizes water projects, including a number of civil works projects which have been vetted and recommended for approval by the Army Corps of Engineers, and which require an authorization before work can proceed. Both S. 2848 and the House WRDA bill (H.R. 5303) authorize nearly \$1.357 billion for restoration of the Los Angeles River with a Federal contribution of \$375.8 million. The Senate, but not House, bill provides \$220 million in grants and loans for the Environmental Protection Agency (EPA) to help communities remove lead from and rehabilitate municipal drinking water systems -- a provision designed to provide relief to cities such as Flint, Michigan.

H.R. 5303 has not been scheduled for House floor action, but is expected to be brought to the floor this month before the House recesses through the November elections. During the "lame duck" session, which begins on November 14, 2016, the Senate and House could reach agreement on a WRDA bill, which would be sent to the President.

#### **Water Resources Development Act (WRDA) of 2016**

The Army Corps of Engineers (Corps) civil works program, through which the Corps plans, builds, operates, and maintains a wide range of water resource projects, is authorized by Congress through Water Resources Development Acts with funding

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provided through separate annual appropriations legislation. The most recent WRDA bill was enacted in 2014. On September 15, 2016, the Senate passed S. 2848 (Inhofe, R-OK), the WRDA of 2016, while the House version, H.R. 5303 (Shuster, R-PA), was approved by the House Transportation and Infrastructure Committee on May 25, 2016. Both versions authorize Corps civil works projects that have been vetted and recommended for approval by the Corps' Chief of Engineers since the enactment of the WRDA of 2014. These projects include watershed restoration initiatives, repairs and improvements of waterways and flood control systems, and EPA drinking water infrastructure programs.

The Senate and House sponsors of S. 2848 and H.R. 5303 have portrayed the bills as being fiscally responsible, noting that funding for projects authorized in them are offset by de-authorizing several projects authorized in previous WRDAs. The House WRDA bill also includes language that would automatically de-authorize projects that have not been advanced within seven years of their authorization.

#### **Provisions of County Interest in S. 2848**

S. 2848 authorizes nearly \$1.357 billion in funding to execute the Corps Chief's report supporting the Los Angeles River Ecosystem Restoration Project, consisting of approximately \$375.8 million in Federal funds and \$980.8 million in non-Federal funds.

The Senate bill would authorize the Corps to partner with a non-Federal interest, such as the County, through contributed funds or services agreement, for the maintenance of a water resources project to ensure that it will continue to function well for its authorized purposes. Another provision would permit the Corps, at the request of a non-Federal interest, to review proposals to increase water supplies at Federal water resources projects. These provisions could provide the County's Department of Public Works (DPW) with a greater opportunity to partner with the Corps to improve the operations and maintenance of Corps facilities that comprise the Los Angeles County Drainage Area (LACDA) system.

In response to the contamination of the municipal water system in Flint, Michigan, the bill also provides \$220 million in grants and loans to help communities replace municipal water infrastructure contaminated by lead, which includes a \$70 million water infrastructure trust fund to address sewer and pipeline problems. This spending is offset by a \$220 million reduction of a Department of Energy loan program.

### **Provisions of County Interest in H.R. 5303**

The House WRDA bill also authorizes nearly \$1.357 billion for the Los Angeles River Ecosystem Restoration Project, which includes a Federal share of roughly \$375.8 million.

Of significance to the County, H.R. 5303 modifies the Federal authorization for LACDA to add seasonal water supply operations as an authorized purpose of the system. This language was added pursuant to the motion approved by the Board on February 16, 2016, which advocated support for Federal legislation to increase local water supply sustainability and allow the operation of Corps dams to be modified in order to maximize stormwater capture for groundwater replenishment.

H.R. 5303 also would permit public agencies or the private sector to remove sediment from Corps dams without having to pay the Corps for any perceived value of the sediment, and allow water supply conservation measures to be employed at Corps facilities in states that are experiencing drought. In addition, the bill would require the Corps to make the operations and maintenance data on its facilities available to the public, which should improve the coordination between the Corps and DPW in the operation of the LACDA system.

Unlike S. 2848, the House bill does not include funding for communities, such as Flint, Michigan, whose water systems have been contaminated by lead.

### **Legislative Outlook**

It is anticipated that H.R. 5303, the House WRDA bill, will be brought to the floor before the end of September, which would enable Congressional staff to begin the preliminary work of negotiating differences between the Senate and House versions when Congress is on recess in October and the first two weeks of November. House passage of H.R. 5303 this month also would improve prospects for final agreement being reached on a WRDA bill during the lame duck session after the November elections that can be sent to and signed by the President.

We will continue to keep you advised.

SAH:JJ:MR  
MT:ma

c: All Department Heads  
Legislative Strategist